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U.S. DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
WASHINGTON, D.C. 20202

APPLICATION FOR GRANTS UNDER MAGNET SCHOOLS ASSISTANCE PROGRAM

CFDA Number: 84.165

FORM APPROVED
OMB No. 1810-0516 , EXP. DATE 12/86
ED FORM 810, 1/86

DATED MATERIAL - OPEN IMMEDIATELY

Closing Date: November 7, 1986

DISCRIMINATION PROHIBITED. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or be so treated on the basis of sex under most educational programs or activities receiving Federal assistance.

NOTICE TO APPLICANTS. U.S. Department of Education intent is to notify all unsuccessful applicants as soon as possible after award decisions have been made. DO NOT infer that an award is forthcoming if such notification is NOT received. This may indicate only that the selection process has not been completed.

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR ELEMENTARY AND SECONDARY EDUCATION

August, 1986

Dear Colleague:

Thank you for your interest in the Magnet Schools Assistance Program. We are sending you this application package which contains the information you need to apply for a fiscal year 1987 Magnet Schools Assistance Program grant.

Title VII of the Education for Economic Security Act, Public Law 98-377, authorizes the Magnet Schools Assistance Program. The Magnet Schools Assistance Program provides Federal financial assistance for projects in magnet schools that are part of approved desegregation plans that local educational agencies (LEAs) are implementing. LEAs may use funds to plan and promote magnet schools; to purchase books, materials, and equipment (including computers) for magnet school programs; and to pay or subsidize certified or licensed school teachers in magnet schools.

Please review all of the materials carefully to be certain that you understand all application requirements and mailing procedures. It is important that your application complies with each application requirement. Applications must be sent to the Department of Education's Application Control Center on or before the deadline announced in the application notice.

We look forward to receiving your application and wish you every success in your efforts to ensure educational equity for all students in your community.

Sincerely,

Lawrence F. Davenport
Assistant Secretary

A

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

DEPARTMENT OF EDUCATION

Notice Inviting Applications for New Awards under the Magnet Schools Assistance Program for Fiscal Year 1987. (CFDA No: 84.165)

PURPOSE: Provides grants to eligible local educational agencies to support projects in magnet schools that are part of approved desegregation plans.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: November 7, 1986

DEADLINE FOR INTERGOVERNMENTAL REVIEW COMMENTS: January 7, 1987

APPLICATIONS AVAILABLE: August 29, 1986

AVAILABLE FUNDS ANTICIPATED: The Department has requested $75,000,000, for this program in FY 1987. However, the level of funding is contingent upon final Congressional action.

ESTIMATED RANGE OF AWARDS: $200,000 - $4,000,000

ESTIMATED AVERAGE SIZE OF AWARDS: $1,705,000

ESTIMATED NUMBER OF AWARDS: 44

PROJECT PERIOD: 24 months

APPLICABLE REGULATIONS: (a) The Magnet Schools Assistance Program Regulations, 34 CFR Part 280, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

FOR APPLICATIONS OR INFORMATION CONTACT: M. Patricia Goins, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2023, FOB-6, Washington, D.C. 20202. Telephone: (202) 472-7960

PROGRAM AUTHORITY: 20 U.S.C. 4051-4062.

Dated: JUL 30 1986

Lawrence F. Davenport
Assistant Secretary for
Elementary and Secondary Education

State Single Point of Contact List

ALABAMA

Mrs. Donna J. Snowden, SPOC
Alabama State Clearinghouse
Alabama Department of Economic and
Community Affairs
3465 Norman Bridge Road
Post Office Box 2939
Montgomery, Alabama 36105-0939
Tel. (205) 284-8905

ARIZONA

Department of Commerce
State of Arizona

NOTE: Correspondence & questions concerning this state's E.O. 12372 process should be directed to:

Janice Dunn
ATTN: Arizona State Clearinghouse
1700 West Washington, Fourth Floor
Phoenix, Arizona 85007
Tel. (602) 255-5004

ARKANSAS

State Clearinghouse
Office of Intergovernmental Services
Department of Finance and Administration
P.O. Box 3278
Little Rock, Arkansas 72203
Tel. (501) 371-1074

CALIFORNIA

Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814
Tel. (916) 445-0282

COLORADO

State Clearinghouse
Division of Local Government
1313 Sherman Street, Rm. 520
Denver, Colorado 80203
Tel. (303) 866-2156

CONNECTICUT

Gary E. King
Under Secretary
Comprehensive Planning Division
Office of Policy and Management
Hartford, Connecticut 06106-4459

NOTE: Correspondence & questions concerning this state's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator
Comprehensive Planning Division
Office of Policy and Management
80 Washington Street
Hartford, Connecticut 06106-4459
Tel. (203) 566-3410

DELAWARE

Executive Department
Thomas Collins Building
Dover, Delaware 19903
Attn: Francine Booth
Tel. (302) 736-4204

FLORIDA

Ron Fahs
Executive Office of the Governor
Office of Planning and Budgeting
The Capitol
Tallahassee, Florida 32301
Tel. (904) 488-8114

GEORGIA

Charles H. Badger
Administrator
Georgia State Clearinghouse
270 Washington Street, S.W.
Atlanta, Georgia 30334
Tel. (404) 656-3855

HAWAII

Kent M. Keith
Director
Department of Planning and Economic Development
P.O. Box 2359
Honolulu, Hawaii 96804

For Information Contact:

Hawaii State Clearinghouse
Tel. (808) 548-3016 or 548-3085

ILLINOIS

Tom Berkshire
Office of the Governor
State of Illinois
Springfield, Illinois 62706
Tel. (217) 782-8639

INDIANA

Mr. Alexander J. Ingram
Deputy Director
State Budget Agency
212 State House
Indianapolis, Indiana 46204
Tel. (317) 232-5604

IOWA

Office for Planning and Programming
Capital Annex
523 East 12th Street
Des Moines, Iowa 50319
Tel. (515) 281-3864

KANSAS

Ms. Judy Krueger
Intergovernmental Liaison
122 A South
State Office Building
Topeka, Kansas 66612
Tel. (913) 296-3919

KENTUCKY

Kentucky State Clearinghouse
2nd Floor, Capital Plaza Tower
Frankfort, Kentucky 40601
Tel. (502) 564-2382

LOUISIANA

Mr. Ferguson Brew
Assistant Secretary and SPOC
Dept. of Urban & Community Affairs
Office of State Clearinghouse
P.O. Box 94455, Capitol Station
Baton Rouge, Louisiana 70804
Tel. (504) 925-3725

MAINE

State Planning Office
Attn: Intergovernmental Review Process/Hal Kimbal
State House Station #38
Augusta, Maine 04333
Tel. (207) 289-3154

MARYLAND

Guy W. Hager, Director
Maryland State Clearinghouse
for Intergovernmental Assistance
Department of State Planning
301 West Preston Street
Baltimore, Maryland 21201-2365
Tel. (301) 225-4490

MASSACHUSETTS

Executive Office of Communities and
Development
Attn: Beverly Boyle
100 Cambridge Street, Rm. 904
Boston, Massachusetts 02202
Tel. (617) 727-3253

MICHIGAN

Michelyn Pasteur
Director, Local Government Services
Department of Commerce
P.O. Box 30004
Lansing, Michigan 48909
Tel. (517) 373-3530

MINNESOTA

Maurice D. Chandler
Intergovernmental Review
Minnesota State PLanning Agency
Room 101
Capitol Square Building
St. Paul, Minnesota 55101
Tel. (612) 296-2571

MISSISSIPPI

Office of Federal State Programs
Department of Planning and Policy
2000 Walter Sillers Bldg.
500 High Street
Jackson, Mississippi 39202

For Information Contact:

Mr. Marlan Baucum
Department of Planning and Policy
Tel. (601) 359-3150

MISSOURI

Lois Pohl, Coordinator
Missouri Federal Assistance Clearinghouse
Office of Administration
Division of General Services
P.O. Box 809
Room 760 Truman Building
Jefferson City, Missouri 65102
Tel. (314) 751-4834

MONTANA

Sue Heath
Intergovernmental Review Clearinghouse
c/o Office of the Lieutenant Governor
Capitol Station
Helena, Montana 59620
Tel. (406) 444-5522

NEVADA

Ms. Jean Ford
Director, Nevada Office of Community Services
Capitol Complex
Carson City, Nevada 89710
Tel. (702) 885-4420

NOTE: Correspondence & questions concerning this state's E.O. 12372 process should be directed to:

John Walker
Clearinghuse Coordinator
Tel. (702) 885-4420

NEW HAMPSHIRE

David G. Scott
Acting Director
New Hampshire Office of State Planning
2 1/2 Beacon Street
Concord, New Hampshire 03301
Tel. (603) 271-2155

NEW JERSEY

Mr. Barry Skokowski
Director, Division of Local Government Services
Department of Community Affairs, CN 803
363 West State Street
Trenton, New Jersey 08625-0803
Tel. (609) 292-6613

NOTE: Correspondence & questions concerning this state's E.O. process should be directed to:

Nelson S. Silver
State Review Process
Division of Local Government Services - CN 803
Trenton, New Jersey 08625-0803
Tel: (609) 292-9025

NEW MEXICO

Peter C. Pence, Director
Department of Finance and Administration
Management and Contracts Review Div.
Clearinghouse Bureau
Room 424, State Capitol
Santa Fe, New Mexico 87503
Tel. (505) 827-3885

NEW YORK

Director of the Budget
New York State

NOTE: **Correspondence & questions concerning the state's E.O. 12372 process should be directed to:**

New York State Clearinghouse
Division of the Budget
State Capitol
Albany, New York 12224
Tel. (518) 474-1605

NORTH CAROLINA

Mrs. Chrys Baggett
Director, State Clearinghouse
Department of Administration
116 West Jones Street
Raleigh, North Carolina 27611
Tel. (919) 733-4131

NORTH DAKOTA

Office of Intergovernmental Assistance
Office of Management and Budget
14th Floor - State Capitol
Bismarck, North Dakota 58505
Tel. (701) 224-2094

OHIO

State Clearinghouse
Office of Budget and Management
30 East Broad Street
Columbus, Ohio 43215

For Information Contact:

Mr. Leonard E. Roberts
Deputy Director
Tel. (614) 466-0699

OKLAHOMA

Don Strain
Office of Federal Assistance Management
4545 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105
Tel. (405) 528-8200

OREGON

Intergovernmental Relations Division
State Clearinghouse
Attn: Delores Streeter
Executive Building
155 Cottage Street, N.E.
Salem, Oregon 97310
Tel. (503) 373-1998

PENNSYLVANIA

Barbara J. Gontz, Project Coordinator
Pensylvania Intergovernmental Council
P.O. Box 11880
Harrisburg, Pennsylvania 17108
(717) 783-3700

RHODE ISLAND

Daniel W. Varin, Chief
Rhode Island Statewide Planning Program
265 Melrose Street
Providence, Rhode Island 02907
Tel. (401) 277-2656

NOTE: **Questions & correspondence concerning this state's review process should be directed to:**

Mr. Michael T. Marfeo
Review Coordinator

SOUTH CAROLINA

Danny L. Cromer
Grant Services
Office of the Governor
1205 Pendleton Street, Room 477
Columbia, South Carolina 29201
Tel. (803) 758-2417

SOUTH DAKOTA

Connie Tveidt
State Clearinghouse Coordinator
State Government Operations
Second Floor, Capitol Building
Pierre, South Dakota 57501
Tel. (605) 773-3661

TENNESSEE

Tennessee State Planning Office
1800 James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37219
Tel. (615) 741-1676

TEXAS

Bob McPherson
State Planning Director
Office of the Governor
P.O. Box 13561
Capitol Station
Austin, Texas 78711

NOTE: Questions concerning this state's review process should be directed to:

Intergovernmental Relations Division
Tel. (512) 463-1778

UTAH

Dale Hatch
Director, Office of Planning and Budget
State of Utah
116 State Capitol Building
Salt Lake City, Utah 84114
Tel. (801) 533-5245

VERMONT

State Planning Office
Attn: Bernie Johnson
Pavilion Office Building
109 State Street
Montpelier, Vermont 05602
Tel. (802) 828-3326

VIRGINIA

Shawn McNamara
Department of Housing and Community Development
205 North 4th Street
Richmond, Virginia 23219
Tel. (804) 786-4474

WASHINGTON

Ken Back
Washington Department of Community Development
Ninth and Columbia Building
Olympia, Washington 98504
Tel. (206) 753-2200

WEST VIRGINIA

Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Economic and
Community Development
Building #6, Room 553
Charleston, West Virginia 25305
Tel. (304) 348-4010

WISCONSIN

Secretary Doris J. Hanson
Wisconsin Department of Adminstration
101 South Webster Street - GEF 2
P.O. Box 7864
Madison, Wisconsin 53707-7864
Tel. (608) 266-1741

NOTE: Correspondence & questions concerning this state's E.O. 12372 process should be directed to:

Thomas Krauskopf
Federal-State Relations Coordinator
Wisconsin Department of Administration
P.O. Box 7864
Madison, WI 53707-7864
Tel. (608) 266-8349

WYOMING

Wyoming State Clearinghouse
State Planning Coordinator's Office
Capitol Building
Cheyenne, Wyoming 82002
Tel. (307) 777-7574

VIRGIN ISLANDS

Toya Andrew
Federal Programs Coordinator
Office of the Governor
The Virgin Islands of the United States
Charlotte Amalie, St. Thomas 00801
Tel. (809) 774-6517

DISTRICT OF COLUMBIA

Lovetta Davis
D.C. State Single Point of Contact for E.O. 12372
Executive Office of the Mayor
Office of Intergovernmental Relations
Room 416, District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. (202) 727-6265

GUAM

Guam State Clearinghouse
Office of the Lieutenant Governor
P.O. Box 2950
Agana, Guam 96910

PUERTO RICO

Ms. Patria G. Custodio, P.E.
Chairman
Puerto Rico Planning Board
Minillas Government Center
P.O. Box 41119
San Juan, Puerto Rico 00940-9985
Tel. (809) 727-4444

NORTHERN MARIANA ISLANDS

Planning and Budget Office
Office of the Governor
Saipan, CM 96950

TITLE VII—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

SEC. 702. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

SEC. 703. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 704. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved

desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 705. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 706. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 707. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 703;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 708. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for the courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 710. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local education agency concerned.

PAYMENTS

SEC. 711. (a) The Secretary shall pay to each local educational agency having an application under this title the amount set forth in the application. Payments under this title for a fiscal year shall

remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 712. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

PART F—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 261. Section 701 of the Act is amended by striking out "and 1986" and inserting in lieu thereof "1986, 1987, and 1988".

STATEMENT OF PURPOSE

SEC. 262. Section 708 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 708. It is the purpose of this title to support, through financial assistance to eligible local educational agencies—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; and

"(2) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.".

USES OF FUNDS

SEC. 263. Section 706 of the Act is amended to read as follows:

"USES OF FUNDS

"SEC. 706. Grants made under this title may be used by eligible local educational agencies for—

"(1) planning and promotional activities directly related to expansion and enhancement of academic programs and services offered at magnet schools;

"(2) the acquisition of books, materials, and equipment including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools; and

"(3) the payment of or subsidization of the compensation of elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools;

where with respect to clauses (2) and (3), such assistance is directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.".

MODIFICATION OF PROHIBITION

SEC. 264. Section 709 of the Act is amended to read as follows:

"PROHIBITIONS

"SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement.".

DEPARTMENT OF EDUCATION

34 CFR Part 280

Magnet Schools Assistance Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the Magnet Schools Assistance Program. These regulations are designed to implement Title VII of the Education for Economic Security Act.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: M. Patricia Goins, Chair, Magnet Schools Task Force, U.S. Department of Education (Room 2011, FOB-6), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-7965.

SUPPLEMENTARY INFORMATION: The purpose of the Magnet Schools Assistance Program is to (1) provide financial assistance to eligible LEAs to enable those agencies to establish and operate magnet schools; (2) meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools; (3) encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and (4) encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending those schools. The Act defines a magnet school as "a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds."

A Notice of Proposed Rulemaking was published in the Federal Register on November 23, 1984. The public had 45 days during which to submit written comments concerning the proposed regulations. These final regulations implement the Magnet Schools Assistance Program with only the following changes from the proposed regulations:

1. Section 280.2 has been revised to make it clear that there are three ways in which an LEA may establish eligibility to apply to a grant.

2. The terms "desegregation" and "minority group isolation" have been defined to clarify the types of desegregation plans that will qualify under §§ 280.2 and 280.10(b). The definition of "desegregation" covers the two principal types of plans that were eligible under the Emergency School Aid Act (ESAA)—plans to remedy the illegal separation of children or faculty in an LEA's schools and plans for the reduction, elimination, or prevention of minority group isolation. The definition of "minority group isolation," as a condition in which minority group children constitute more than 50 percent of a school's enrollment, also was adopted from ESAA.

3. The provisions of the regulations concerning the types of projects that are funded (§ 280.10(b)) and the contents of an application (§ 280.20) have been clarified.

4. The evaluation criterion in § 280.31(c)(2)(iii) has been reworded to focus more clearly on the educational needs of the students who would participate in project activities.

5. The maximum number of points awarded under the special consideration factor "Need for assistance" in § 280.32(d) has been increased from 10 to 15. This provision also has been revised to indicate that those LEAs that received $1 million less under Chapter 2 of the Education Consolidation and Improvement Act in fiscal year 1982 than they received in fiscal year 1981 under ESAA will receive the full 15 points. Other LEAs will be awarded points based on the expense of implementing their approved desegregation plans or the difficulty of implementing those plans and their magnet schools projects.

The provision awarding the full 15 points to LEAs that received $1 million less under Chapter 2 in fiscal year 1982 than they received in fiscal year 1981 under ESAA will remain in effect through fiscal year 1986—the period through which the Magnet Schools Assistance Program is authorized. If the program is reauthorized, this provision will be deleted so that LEAs do not receive an indefinite competitive advantage based on their loss of ESAA funds. Instead, after fiscal year 1986, all LEAs would be evaluated on the expense of implementing their desegregation plans and the difficulty of implementing those plans and their magnet schools projects.

6. A new section (§ 280.33) has been added to reflect the statutory requirement that an LEA may receive a continuation award only if the Secretary determines that it is making satisfactory progress in achieving the proposes of the Act.

7. Minor changes have been made in a number of sections for purposes of clarification.

The comments submitted in response to the proposed regulations are summarized in the appendix to these regulations. After each comment, a response is included stating the change that has been made in the regulations or the reasons why no change is considered appropriate. The comments are grouped according to the sections of the regulations to which they pertain.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects in 34 CFR Part 280

Civil rights, Desegregation, Education, Elementary and secondary education, Grant programs-education, Magnet schools, Recordkeeping and reporting requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance number 84.165, Magnet Schools Assistance Program)

Dated: May 16, 1985.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 280 to read as follows:

PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM

Subpart A—General

Sec.

280.1 What is the Magnet Schools Assistance Program?
280.2 Who is eligible to apply for a grant?
280.3 What regulations apply to this program?
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Subpart B—What Types of Projects Does the Secretary Assist under This Program?

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Subpart F—May a State Reduce Aid to an LEA That Receives a Grant Under This Program?

280.50 May a State reduce the amount of aid it gives to an LEA?

Authority: Title VII of the Education for Economic Security Act, Pub. L. 98-377, 98 Stat. 1299-1302 (20 U.S.C. 4051-4062), unless otherwise noted.

Subpart A—General

§ 280.1 What is the Magnet Schools Assistance Program?

The Magnet Schools Assistence Program provides grants to eligible local educational agencies (LEAs) for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together. The purposes of the program are to—

(a) Provide financial assistance to eligible LEAs to enable them to establish and operate magnet schools;

(b) Meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(c) Encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(d) Encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending these schools.

(20 U.S.C. 4053-4054)

§ 280.2 Who is eligible to apply for a grant?

An LEA is eligible to receive assistance under this part if the LEA meets any of the following requirements:

(a) The LEA received $1,000,000 less under Chapter 2 of the Education Consolidation and Improvement Act (ECIA) in fiscal year 1982 than it received in fiscal year 1981 under the Emergency School Aid Act (ESAA).

(b) The LEA is implementing a plan undertaken pursuant to a final order of a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency.

(c) The LEA adopted and is implementing on a voluntary basis—or will, if assistance is made available to it under this part, adopt and implement—a plan that has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in its schools.

(20 U.S.C. 4052)

§ 280.3 What regulations apply to this program?

The following regulations apply to the Magnet Schools Assistance Program:

(a) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74 (Administration of grants), 75 (Direct grant programs), 77 (Definitions apply to Department regulations), 78 (Education Appeal Board), and 79 (Intergovernmental Review of Department of Education programs and activities).

(b) The regulations in this part.

(20 U.S.C. 4051-4062)

§ 280.4 What definitions apply to this program?

(a) *Definitions in EDGAR:* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget
EDGAR
Elementary school
Equipment
Facilities
Fiscal year
Grant
Local educational agency
Project
Secondary school
Secretary
State
Supplies

(b) *Definitions that apply to this program:* The following definitions also apply to this part:

"Act" means Title VII of the Education for Economic Security Act, Pub. L. 98-377.

"Desegregation," in reference to a plan, means a plan for the reassignment of children or faculty to remedy the illegal separation of minority group children or faculty in the schools of an LEA or a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the schools of an LEA.

"Implementation date" means the date of the first change in the enrollment of a school as a result of the desegregation plan or a modification of the plan, or, in the case of a plan for the desegregation of minority group segregated faculty, the first reassignment of a faculty member as a result of the plan or a modification of the plan.

"Magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"Minority group" means the following:

(1) *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(2) *Asian of Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(3) *Black (Not of Hispanic Origin).* A person having origins in any of the black racial groups of Africa.

(4) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

"Minority group isolation," in reference to a school, means a condition in which minority group children constitute more than 50 percent of the enrollment of the school.

"Special curriculum" means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level in the same LEA, as the students to whom the special curriculum is offered in the magnet schools. This term does not include—

(1) A course of study or a part of a course of study designed solely to provide basic educational services to handicapped students or to students of limited English-speaking ability;

(2) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited English-speaking ability;

(3) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited financial resources; or

(4) A course of study or a part of a course of study that fails to provide for a participating student's meeting the requirements for completion of elementary of secondary education in the same period as other students enrolled in the applicant's schools.

(20 U.S.C. 4051–4062)

Subpart B—What Types of Projects Does the Secretary Assist Under This Program?

§ 280.10 What types of projects does the Secretary assist?

(a) The Secretary funds applications proposing projects for planning and conducting programs in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(b) For the purposes of this part, an approved desegregation plan is—

(1) A desegregation plan described in § 280.2(b) or (c); or

(2) A plan that the applicant used to establish its eligibility under section 606(a)(1) of the ESAA and that the applicant is continuing to implement.

(c) In the case of a desegregation plan described in § 280.2(b), any modification to that plan must be approved by the court, agency, or official that approved the plan.

(d) The Secretary assists projects for the conduct of programs in magnet schools, including the following activities:

(1) Providing courses of academic instruction offered at magnet schools.

(2) Providing courses of instruction in magnet schools offering secondary education or vocational education that are designed to increase the tangible and marketable skills of secondary school students and vocational school students.

(3) Purchasing books, materials, and equipment, including computers, that contribute directly to academic excellence and the purpose of this part.

(4) Paying or subsidizing the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

(e) A project for the conduct of programs in magnet schools also may include planning activities, subject to the restrictions in § 280.40(a).

(20 U.S.C. 4056)

Subpart C—How Does One Apply for a Grant?

§ 280.20 How does one apply for a grant?

(a) Each eligible LEA that desires to receive assistance under this part shall submit an annual application to the Secretary.

(b) In its application, the LEA shall provide assurances that it—

(1) Will use funds made available under this part for the purposes specified in section 703 of the Act;

(2) Will employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the course of instruction;

(3) Will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) Will not engage in discrimination based upon race, religion, color, or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of the agency except to carry out the approved desegregation plan; and

(5) Will not engage in discrimination based upon race, religion, color, or national origin in designing or operating extracurricular activities for students.

(c) In addition to the assurances listed in paragraph (b) of this section, the LEA shall provide such other assurances as the Secretary determines necessary to carry out the provisions of this part.

(d) Upon request, the LEA shall submit any information that is necessary for the Assistant Secretary for Civil Rights to determine whether the assurances required in paragraphs (b)(3), (4), and (5) of this section will be met.

(e) An LEA that has an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan.

(2) An assurance that the plan is being implemented as approved.

(f) An LEA that does not have an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan the LEA is submitting for approval.

(2) A copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement it upon the award of assistance under this part.

(3) Evidence that the plan is a desegregation plan as defined in § 280.4(b).

(Approved under OMB Control No. 1810-0516)

(20 U.S.C. 4057)

Subpart D—How Does the Secretary Make a Grant?

§ 280.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this part on the basis of the criteria in § 280.31 and the special consideration factors in § 280.32.

(b) The Secretary awards up to 100 points for the extent to which an application meets the criteria described in § 280.31. The maximum possible points for each complete criterion are indicated in parentheses after the heading for that criterion.

(c) The Secretary then awards up to 45 additional points based upon the special consideration factors in § 280.32.

(20 U.S.C. 4061–4062)

§ 280.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) An effective plan of management that ensures proper and efficient administration of the project;

(ii) A clear description of how the objectives of the project relate to the purposes of the program;

(iii) The way the applicant plans to use its resources and personnel to achieve each objective; and

(iv) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Quality of project design.* (35 points)

(1) The Secretary reviews each application for information that shows the quality of the project design.

(2) The Secretary looks for information that shows—

(i) The extent to which the design of the magnet school(s) is likely to bring students from different social, economic, ethnic, and racial backgrounds together;

(ii) The applicant's and the staff's experience in and knowledge of curriculum development and desegregation strategies; and

(iii) How the magnet school(s) will—

(A) Address educational needs that are appropriate to the students who will be enrolled in the magnet school(s); and

(B) Encourage parental involvement in the project.

(d) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to suppport the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. [See 34 CFR 75.590, Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved under OMB Control No. 1810-0516)

(20 U.S.C 4051-4062)

§ 280.32 How is special consideration given to applicants?

(a) *How special consideration is given.*

In addition to the points awarded under § 280.31, the Secretary gives special consideration to the factors listed in paragraphs (b) through (e) of this section. The maximum number of points awarded for each factor is stated in parentheses.

(b) *The recentness of the implementation of the approved desegregation plan.* (10 points)

(1) The Secretary reviews each application to determine the recentness of the implementation date of the approved desegregation plan or modification of the plan.

(2) The Secretary determines the recentness of the plan by assigning each application to one of the following categories:

(i) Applications based on plans or modifications of plans with implementation dates not more than five years before the July 1 that follows the deadline date for applications. (10 points)

(ii) Applications based on plans or modifications of plans with implementation dates more than five years but not more than ten years before the July 1 that follows the deadline date for applications. (7 points)

(iii) Applications based on plans or modifications of plans with implementation dates more than ten years but not more than fifteen years before the July 1 that follows the deadline date for applications. (4 points)

(iv) Applications based on plans or modifications of plans with implementation dates more than fifteen years before the July 1 that follows the deadline date for applications. (0 points)

(c) *Involvement of minority group children.* (10 points)

(1) The Secretary gives special consideration to the proportion of minority group children involved in the approved desegregation plan.

(2) The Secretary determines the percentage that represents a comparison of the number of minority group children involved in the applicant's approved desegregation plan to the number of minority group children enrolled in the applicant's schools.

(3) The Secretary awards one point for each ten percentage points the applicant receives under paragraph (c)(2) of this section.

(d) *Need for assistance.* (15 points)

(1) For grants awarded in fiscal years 1985 and 1986, the Secretary uses the procedure in paragraph (d)(3) of this section to assign points under this criterion. If an applicant is not eligible to receive points under paragraph (d)(3) of this section, the Secretary uses the procedure in paragraph (d)(4) of this section to assign points.

(2) For grants awarded in any fiscal year after fiscal year 1986, the Secretary uses only the procedure in paragraph (d)(4) of this section to assign points under this criterion.

(3) The Secretary determines whether the applicant is eligible under § 280.2(a). Each applicant that is eligible under § 280.2(a) receives 15 points.

(4) The Secretary reviews the application to determine the need for assistance based on the incremental expense of implementing the approved desegregation plan (expressed as a percentage increase in an LEA's operating budget) or the difficulty of effectively carrying out the plan and the project for which assistance is sought. The applicant receives up to 15 points, depending on the extent of need for assistance.

(e) *Degree of achievement.* (10 points)

The Secretary reviews each application to determine the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this part as listed in § 280.1.

(Approved under OMB Control No. 1810-0516])

(20 U.S.C. 4051-4062)

§ 280.33 How does the Secretary approve a continuation award?

The Secretary approves a continuation award only if—

(a) The applicant is making satisfactory progress toward achieving the purposes of this part; and

(b) The conditions in 34 CFR 75.253(a) have been met.

(20 U.S.C. 1221e-3(a)(1), 4060(a))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 280.40 What are the limitations on allowable costs?

An LEA that receives assistance under this part may not—

(a) Expend more than 10 percent of the funds received in any fiscal year for planning;

(b) Use funds for consultants or transportation;

(c) Use funds for any activity that does not augment academic improvement; or

(d) Use funds for any course of instruction the substance of which the LEA determines is secular humanism.

(Approved under OMB Control No. 1810-0516)

(20 U.S.C. 4059, 4060(b))

Subpart F—May a State Reduce Aid to an LEA That Receives a Grant Under This Program?

§ 280.50 May a State reduce the amount of aid it gives to an LEA?

(a) Except as provided in paragraph (b)(1) of this section, a State shall not reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under Chapter 2 of the ECIA in any school district of any LEA within the State because of assistance made or to be made available to the LEA under this part.

(b) (1) A State may reduce assistance received under Chapter 2 if the amount of assistance is attributable to section 577(3) of the ECIA (as in effect prior to August 11, 1984), but only to the extent the amount is so attributable.

(2) The Secretary may waive the prohibition against the reduction of assistance received under Chapter 2 and permit such a reduction if the State demonstrates that the assistance under Chapter 2 is not necessary to the LEA.

(20 U.S.C. 4060(c))

Note.—This Appendix will be published with the regulations in the Federal Register but will not be published in the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

The following is a summary of the comments received on the notice of proposed rulemaking for the Magnet Schools Assistance Program published on November 23, 1984. Each comment is followed by a response that indicates whether a change has been made, and, if no change has been made, why no change is considered necessary. Specific comments are arranged in order of the sections of the final regulations to which they pertain.

Section 280.1 What is the Magnet Schools Assistance Program?

Comment: A few commenters requested more specificity in § 280.1(d) regarding the term "academic subjects," while one commenter wanted the regulations to specify how the content of these subjects would be determined by the local educational agency (LEA).

Response: No change has been made. As used in § 280.1(d), the term "academic subjects" is contrasted with courses in vocational skills. The determination as to which academic subjects will be taught in a magnet school is properly left to the discretion of the LEA.

Section 280.2 Who is eligible to apply for a grant?

Comment: A number of commenters recommended adding the word "or" after the semi-colon at the end of § 280.2(a) in order to clarify who is eligible to apply for a grant.

Response: A change has been made. Section 280.2 has been revised to emphasize that there are three ways in which an LEA may establish its eligibility to apply for a grant.

Comment: One commenter recommended clarification of how the $1 million loss is calculated, and suggested that the comparison should be between an LEA's 1982 grant under Chapter 2 of the Education Consolidation and Improvement Act (ECIA) and the total of its 1981 grants under the categorical grant programs that were consolidated into Chapter 2.

Response: No change has been made. Based on detailed legislative history in the Senate, which originated this legislation—including a chart analyzing the effects of this provision on a number of large school districts—the regulations state that the comparison is between the LEA's 1982 grant under Chapter 2 and its 1981 Emergency School Aid Act (ESAA) grant.

Comment: Several commenters requested clarification of the types of desegregation plans that will establish an LEA's eligibility under § 280.2(c).

Response: A change has been made. Section 280.2(c) permits an LEA to establish its eligibility based on a desegregation plan that has been or will be adopted on a voluntary basis—i.e., without an order from a court or from a State agency or official of competent jurisdiction—and that has been approved by the Secretary as adequate under Title VI of the Civil Rights Act. The final regulations add a definition of "desegregation" to § 280.4(b). The definition includes both a plan to remedy the illegal separation of minority group children or faculty in an LEA's schools and a plan for the reduction, elimination, or prevention of minority group isolation in one or more of an LEA's schools. As a result, an LEA will be eligible under § 280.2(c) based either on a voluntary plan negotiated with the Office for Civil Rights to remedy illegal segregation or on a voluntary plan initiated by the LEA to reduce, eliminate, or prevent minority group isolation in its schools.

Section 280.4 What definitions apply to this program?

Comment: One commenter questioned the statutory basis for the definition of the term "special curriculum" in § 280.4 and two commenters requested more specificity in defining the term, particularly as it relates to the uniqueness of the curriculum offered by the magnet school.

Response: No change has been made. The statute requires that a magnet school offer a special curriculum that is capable of attracting substantial numbers of students of different racial backgrounds. The definition adopted by the regulations is the same one formerly used in the ESAA Magnet School Program. Under this definition, the curriculum offered in a magnet school need not be unique; an LEA may offer the same curriculum in more than one school so long as it is not the standard curriculum for the school district.

Comment: Several commenters discussed whether the term "implementation date" should mean the date on which the desegregation plan was approved or the date on which physical movement occurred as a result of the plan. Most recommended the latter, which is the definition used in the proposed regulations.

Response: No change has been made. The definition in the regulations provides that the implementation date is the date on which the first change resulting from the plan occurs—that is, when the first change in the enrollment of students or the first reassignment of a faculty member occurs.

Comment: A few commenters questioned the origin of the definition of the term "minority group". One commenter recommended the inclusion of Portuguese and French Canadians as minorities.

Response: No change has been made. The definition of who is considered a member of a "minority group" is contained in the Department of Commerce's Statistical Policy Directive No. 15, which was published in the Federal Register on May 4, 1978. Directive No. 15 provides standard classifications for record-keeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities.

Section 280.10 What types of projects does the Secretary assist?

Comment: Several commenters requested clarification of the requirement that magnet schools be part of an "approved" desegregation plan. These commenters asked whether a voluntary plan would qualify and whether the requirement applies only to LEAs that base their eligibility on the loss of $1 million in ESAA funds.

Response: No change has been made. The requirement that magnet schools be part of an approved desegregation plan in order to receive assistance under this program applies to all LEAs, regardless of the basis on which they establish their eligibility under § 280.2 In the case of a voluntary plan that has not previously been approved by the Secretary, the LEA must submit the plan for approval with its application. The plan must include the magnet schools for which the LEA is requesting assistance. The Secretary will approve the plan if he determines that it meets the regulations' definition of a "desegregation" plan in § 280.4(b) and that it is consistent with the requirements of Title VI of the Civil Rights Act of 1964.

If an LEA is implementing a plan that includes the magnet school(s) for which it is requesting assistance and that previously has been approved by the Secretary, a court, or a State agency or official of competent jurisdiction, no further approval is necessary. However, if the plan that previously was approved does not include the magnet school(s) for which assistance is requested, the plan must be modified to include the new magent school(s) component. The LEA must obtain approval of the magnet schools component, or any other modification to its desegregation plan, from the court, agency, or official that originally approved the plan.

Comment: One commenter recommeded that § 280.10(b)(4) be revised to authorize inservice training, as well as the inclusion of teachers, parents, students, and community members in the planning and implementation of magnet school programs. Another commenter felt that costs incurred for counselors, community liaison representatives, curriculum developers, and staff development specialists should be allowable under this section. One commenter suggested clarifying whether the salaries of aides or other support personnel for desegregation related activities are allowable under this section.

Response: A change has been made to clarify this provision. The Act permits the Secretary to fund activities for the planning and conduct of programs in magnet schools. The Act provides a list of eligible activities, although the list is not exhaustive. Thus, activities not listed in the regulations, but integral to the planning and conduct of the magnet school program, are eligible for funding. Inservice training and employing counselors, curriculum developers, and other staff are permissible activities when they are necessary to the planning and conduct of programs in magnet schools. The Act makes it clear, however, that only teachers who are certified or licensed by the State to teach the subject matter of the courses of instruction for which assistance is sought may be employed in the project funded under the Magnet Schools Assistance Program.

Comment: One commenter recommended that assistance be extended only to existing magnet schools.

Response: No change has been made. Section 702(3) of the Act states that an LEA is eligible if it has adopted and is implementing, or will, if assistance is made available to it, adopt and implement, a desegregation plan. Therefore, a magnet school proposed as part of a desegregation plan that has not been implemented, but that will be implemented if the LEA receives a Magnet Schools Assistance grant, is eligible for assistance.

Section 280.20 How does one apply for a grant?

Comment: Two commenters asked how the assurances required under § 280.20 should be made.

Response: No change has been made. Assurance forms will be provided to all applicants in the application package.

Comment: One commenter wanted to know what additional information would be required under § 280.20(c) of the proposed regulations.

Response: A change has been made. That provision (now § 280.20(d)) has been amended to clarify that additional information will be requested from an LEA only when the Assistant Secretary for Civil Rights needs that information to determine whether the assurances in § 280.20(b) (3), (4), and (5) will be met. In general, the Assistant Secretary for Civil Rights will base the determination on a review of the LEA's history of compliance with civil rights laws.

Section 280.30 How does the Secretary evaluate an application?

Comment: One commenter suggested that § 280.30 be clarified by adding language concerning review panels and the selection of panelists.

Response: No change has been made. The procedures for the evaluation of applications are described in the Education Department General Administrative Regulations (EDGAR). These procedures provide for the use of groups of experts who will review applications under the Magnet Schools Assistance Program selection criteria. EDGAR establishes requirements for the selection of these experts in 34 CFR 75.217.

Comment: Several commenters felt that the procedures for evaluating applications in § 280.30 were unclear, and should indicate whether the Secretary would make awards on the basis of the recentness of an LEA's desegregation plan, as under the former ESAA Basic Grant Program, or by a single ranking for all applications based on a total score.

Response: No change has been made. The procedures for selecting grantees will not be the same as those used under the ESAA Basic Grant Program. Section 280.30 indicates that the Secretary adds the points awarded for the special consideration factors in § 280.32 (including points for the recentness of the desegregation plan) to the points awarded on the basis of criteria described in § 280.31, to produce a total score. Applications are then ranked using the procedures described in EDGAR, 34 CFR 75.217 (c), (d), and (e).

Section 280.31 What selection criteria does the Secretary use?

Comment: Several commenters recommended that § 280.31(a)(2)(iv) be amended to limit the consideration of whether equal access and treatment will be provided to project participants who are members of traditionally underrepresented groups by looking only at whether members of minority groups will be provided equal access and treatment. The commenters based their recommendation on the fact that the Magnet Schools Assistance Program is a desegregation program.

Response: No change has been made. This criterion is taken from EDGAR and was designed to apply generally to the Department's programs, not just to those programs in which traditionally underrepresented groups (i.e., members of minority groups, women, the disabled, and the elderly) are the intended beneficiaries. The purpose of the criterion is to encourage applicants in developing their applications to consider whether members of these groups may unintentionally be excluded because of the project design. The fact that the Magnet Schools Assistance Program provides assistance for desegregation activities does not make it inappropriate for an applicant to consider, for example, whether equal access to its project will be provided to disabled students or to elderly teachers.

Comment: Two commenters suggested a redistribution of the points to be awarded for the criteria described in § 280.31 (b), (c) and (d) to place greater emphasis on the quality of project design and cost effectiveness, while reducing the points for quality of key personnel.

Response: No change has been made. In the point distribution plan, 20 points are allocated for the "Quality of key personnel." This criterion covers the qualifications of both the project director (if one is to be used) and the project's other key personnel, as well as the time commitments for these personnnel, and the extent to which the applicant encourages applications for employment from members of groups that have been traditionally underrepresented. Since a project is not likely to be effective without personnel who have appropriate training and experience, and allocation of fewer than 20 points for this criterion would not place sufficient weight on the qualifications of the persons who would be responsible for administering and implementing a project.

Comment: One commenter suggested that the criterion for the quality of project design under § 280.31(c)(2)(iv) be revised to eliminate language concerning diversity of learning approaches and students' knowledge and skills. The commenter proposed more general language that would evaluate applications on the extent to which "the needs of students to be served will be appropriately addressed."

Response: A change has been made. This provision (now § 280.31(c)(2)(iii)(A)) has been amended to indicate that the Secretary will evaluate applications based on information that shows how the magnet school(s) will address the educational needs of the students who will be enrolled in them. The Secretary believes that this approach provides applicants better focus for describing the important aspects of the design of their magnet school(s).

Comment: One commenter recommended that the criterion in proposed § 280.31(c)(2)(iv)(C) be modified to allow the use of existing community and parental input components of a desegregation plan rather than require another level of parental review.

Response: No change has been made. The criterion does not penalize an applicant that uses its current procedures for encouraging parental involvement, provided that those procedures are appropriate to the magnet school program for which assistance is sought.

Section 280.32 How is special consideration given to applicants?

Comment: One commenter recommended that the program take into consideration problems related to resegregation, costs incurred in implementing the desegregation plan in relation to available resources, and the percentage of students attending private schools in the school district.

Response: No change has been made. The special consideration factor in § 280.32(d), "Need for assistance," already addresses considerations such as those proposed by the commenter. Costs incurred in implementing the desegregation plan in relation to available resources will be reflected in the incremental expense of implementing the plan. Problems in implementing a desegregation plan, such as resegregation and the percentage of students attending private schools, may be addressed in a narrative description of the difficulty of effectively carrying out the desegregation plan and the project for which assistance is sought.

Comment: One commenter recommended that § 280.32 be clarified by indicating whether there will be grant negotiations in the award making process.

Response: No change has been made. The Secretary uses the procedures set forth in EDGAR, 34 CFR 75.232–75.233 to set the amount of each award, except that in fiscal year 1985 no award may exceed $4,000,000 as required by the appropriations statute.

Comment: One commenter suggested that § 280.32(b) be clarified by adding information concerning the type of documentation a school district must submit to indicate the implementation date of its desegregation plan.

Response: No change has been made. Because information concerning the implementation date of a desegregation plan or modification may be contained in any of several types of documents (for example, a school board resolution or a court order), the regulations do not prescribe a specific form of documentation. The application package requires each applicant to indicate the implementation date of its desegregation plan and to provide a statement describing how the applicant determined the implementation date.

Comment: Several commenters suggested alternatives to the point allocations for recentness of the desegregation plan under § 280.32(b). These alternatives included (1) awarding the full 10 points to LEAs with plans not more than 10 years old; (2) Awarding the full 10 points only to LEAs with plans not more than 5 years old, awarding 5 points to plans up to 10 years old, and awarding no points to plans more than 10 years old; and (3) Deleting this provision entirely.

Response: No change has been made. Some school districts have been involved in the implementation of desegregation plans for many years. Further, as needs and other conditions within a community change over a period of time, many of the school districts that have a relatively long history of involvement in desegregation have, either voluntarily or under mandate, modified their desegregation plans to reflect current needs and conditions. The Secretary believes that a school district should not be penalized under the special consideration factor for the recentness of the implementation of its approved desegregation plan merely because the school district has a history of implementing desegregation plan activities that might extend over 15 years or more, if the LEA has updated its plan to reflect current needs. As a result, a school district that initially implemented a desegregation plan a number of years ago may receive credit under this special consideration factor

for the implementation of more recent desegregation plan activities if that school district has an approved desegregation plan modification that changed the enrollment of a school or schools or reassigned faculty.

Comment: One commenter was concerned that the special consideration factor for the involvement of minority group children in § 280.32(c) would require the use of an estimate because school administrators would not know exactly how many students would be involved in the magnet schools project until after it was implemented.

Response: No change has been made. Section 280.32(c) refers to the proportion of minority group children involved in an LEA's approved desegregation plan, not to the proportion of minority group children involved in the project that is funded under the Magnet Schools Assistance Program. It is true, however, that in the case of a desegregation plan that will be implemented only after assistance is made available, the Secretary will consider an estimate from the LEA of the proportion of minority group children who will be involved in that plan.

Comment: Many commenters recommended increasing the number of points awarded for the special consideration factor, "Need for assistance," in § 280.32(d). In addition, most recommended that the loss of ESAA funds be considered as evidence of need under this special consideration factor, and suggested that school districts that lost $1 million or more in ESAA funds should receive the maximum number of points available.

Response: A change has been made. The maximum number of points available for the special consideration factor in § 280.32(d) has been increased from 10 to 15. This change gives additional weight to an LEA's need for assistance. All LEAs may receive the full 15 points based on the evidence they submit in response to this factor. However, this section also has been amended to specify that LEAs that lost $1 million when ESAA was consolidated into Chapter 2 will receive the full 15 points that are available. These LEAs will be accorded this competitive advantage through fiscal year 1986—the period through which the Magnet Schools Assistance Program is authorized. If the program is reauthorized, this provision will be deleted so that LEAs do not receive an indefinite competitive advantage based on their loss of ESAA funds. Instead, after fiscal year 1986, all LEAs would be evaluated on the expense of implementing their desegregation plans and the difficulty of implementing those plans and their magnet schools projects.

Comment: Several commenters objected to the use of the incremental expense of operating an approved plan as a method of measuring the need for assistance under § 280.32(d), noting that school districts' budgets do not allow for easy computation of the cost of the desegregation.

Response: No change has been made. The statute specifically addresses the incremental expense of carrying out the desegregation plan. An LEA that does not have this information may instead address that part of the criterion relating to the difficulty of effectively carrying out the plan and the project for which the LEA is seeking assistance.

Section 280.40 What are the limitations on allowable costs?

Comment: A number of comments were received on the regulatory language concerning secular humanism in § 280.40(d). Commenters were about evenly divided among three positions: Endorsing the regulatory approach taken by the Department of Education; seeking clarification or a definition of the term secular humanism; and recommending that § 280.40(d) be deleted from the regulations. One commenter expressed concern that, if § 280.40(d) were interpreted to require grantees to urge religious views on their students, the provision would be unconstitutional.

Response: No change has been made. The prohibition on use of grant funds for courses of instruction the substance of which is secular humanism is taken directly from the statute and, therefore, cannot be deleted from the regulations. The legislative history on this provision supports the Department's decision to defer to LEAs the determination of what constitutes secular humanism. LEAs must, of course, administer the provision in a manner consistent with the First Amendment of the United States Constitution.

Comment: One commenter asked why § 280.40 did not mention the limitation found in section 710(a) of the Act that requires "satisfactory progress" by an LEA in achieving the purposes of the statute after the first year of a magnet schools project.

Response: A change has been made. A new section, § 280.33, has been added to the regulations. This section indicates that an applicant must be making satisfactory progress toward achieving the purposes of the Magnet Schools Assistance Program in order to qualify for a continuation award.

Section 280.50 May a State reduce the amount of aid it gives to an LEA?

Comment: One commenter recommended that § 280.50(b) be amended to prohibit a State educational agency from reducing Chapter 2 monies to a school district in its State under any circumstances.

Response: No change has been made. The regulations merely restate the requirements of section 710(c) of the Act, which provides for a Secretarial waiver to permit the reduction of Chapter 2 assistance if the State demonstrates that assistance under Chapter 2 is not necessary to the LEA.

Comment: One commenter asked that § 280.50(b)(2) be clarified by including a statement of the conditions under which a State could seek a waiver from the Secretary.

Response: No change has been made. The regulations state the conditions under which a State may request a waiver—i.e., when a State demonstrates that the Chapter 2 assistance is not necessary to the LEA. The Secretary will consider any request for a waiver based on the particular circumstances surrounding the request.

Comment: One commenter recommended the inclusion of a requirement that the State educational agency recommend funding and provide technical assistance.

Response: No change has been made. Provisions for State recommendations concerning applications are provided for under Executive Order 12372, entitled "Intergovernmental Review of Federal Programs," and the Department's implementing regulations in 34 CFR Part 79. Nothing in the regulations implementing the Magnet Schools Assistance Program precludes State educational agencies from providing technical assistance to school districts in their States. The Secretary believes, however, that this matter is best left to the discretion of State and local educational agencies, and should not be

a requirement imposed by the Federal Government.

Comment: Two commenters noted that the proposed regulations do not specify the maximum amount of a grant that a school district may receive.

Response: No change has been made. Because the maximum amount of an award is subject to change each year, this information is included in the application notice that announces the closing date for the transmittal of applications. For fiscal year 1985, that amount has been set by the appropriations statute at $4 million.

Comment: One commenter recommended that a State minimum allocation be established.

Response: No change has been made. The Act does not authorize the use of a State allocation formula for the Magnet Schools Assistance Program.

[FR Doc. 85-12277 Filed 5-21-85; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 280

Magnet Schools Assistance Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends three sections of the regulations which implement the Magnet Schools Assistance Program. These amendments to the regulations implement the statutory changes to the Magnet Schools Assistance Act (Title VII of the Education for Economic Security Act, Pub. L. 98-377) which were enacted on November 22, 1985 as part of the National Science, Engineering, and Mathematics Authorization Act of 1986, Pub. L. 99-159.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: M. Patricia Goins, Division of Educational Support, U.S. Department of Education (Room 2023, FOB-6), 400 Maryland Avenue SW., Washington, DC 20202. Telephone: (202) 472-7960.

SUPPLEMENTARY INFORMATION:

Summary of Amendments

Section 703 of the Act, which describes the purposes of the Magnet Schools Assistance Program, has been amended by combining the four clauses in the statement of purpose into two clauses. This language change does not significantly alter the purposes of the Magnet Schools Assistance Program. Section 280.1 of the regulations is amended to conform to the statutory change.

Section 706 of the Act has been amended to narrow the range of activities for which magnet schools funds may be used. Under section 706, grants may be used by an eligible local educational agency (LEA) for—

(1) Planning and promotional activities directly related to expansion and enhancement of academic programs and services offered at magnet schools;

(2) The acquisition of books, materials, and equipment (including computers) and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools; and

(3) The payment of or subsidization of the compensation of elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools.

With respect to clauses (2) and (3), assistance must be directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.

Only the above-described activities may be supported with magnet schools funds. A new §280.40 setting out these authorized activities has been added to the regulations.

Section 709 of the Act has been amended by deleting the prohibition on secular humanism instruction. This prohibition, presently codified at §280.40(d) of the regulations, is deleted. The remaining provisions currently in §280.40 are redesignated as §280.41.

A Notice of Proposed Rulemaking was published in the Federal Register on March 10, 1986. The public had 30 days in which to submit written comments concerning the proposed amendments. Only one comment was received, and it recommended no changes to the proposed amendments.

Executive Order 12291

These proposed amendments have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects in 34 CFR Part 280

Civil rights, Desegregation, Education, Education Department, Elementary and secondary education, Grant programs-education, Magnet schools.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

Dated: May 30, 1986.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by amending Part 280 as follows:

PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM

1. The authority citation for Part 280 is revised to read as follows:

Authority: 20 U.S.C. 4051-4062, unless otherwise noted.

2. Section 280.1 is revised to read as follows:

§ 280.1 What is the Magnet Schools Assistance Program?

The Magnet Schools Assistance Program provides grants to eligible local educational agencies (LEAs) for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic and racial backgrounds together. The purposes of the program are to support, through financial assistance to eligible LEAs,—

(a) The elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; and

(b) Courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

(20 U.S.C. 4053)

§ 280.4 [Amended]

3. In § 280.4(b), under the definition, "special curriculum", in paragraph (4), the "of" is changed to "or" between the words, "elementary" and "secondary".

§ 280.10 [Amended]

4. Section 280.10 is amended by: removing "for planning and conducting programs" from paragraph (a); removing paragraphs (d) and (e); and revising the citation of authority to read "(20 U.S.C. 4054)".

§ 280.40 [Redesignated as § 280.41]

5. Section 280.40 is redesignated as § 280.41 and paragraph (d) is removed. After the semicolon at the end of paragraph (b) insert "or". At the end of paragraph (c) replace the semicolon and the "or" with a period.

6. A new § 280.40 is added to read as follows:

§ 280.40 What costs are allowable?

An LEA may use funds received under this part for the following activities:

(a) Planning and promotional activities directly related to the expansion and enhancement of academic programs and services offered at magnet schools, though planning activities are subject to the restriction in § 280.41(a).

(b) The acquisition of books, materials, and equipment (including computers) and the maintenance and operation thereof. Any books, materials or equipment purchased with grant funds must be—

(1) Necessary for the conduct of programs in magnet schools; and

(2) Directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.

(c) The payment or subsidization of the compensation of elementary and secondary school teachers—

(1) Who are certified or licensed by the State;

(2) Who are necessary to conduct programs in magnet schools; and

(3) Whose employment is directly related to improving the knowledge of mathematics, science, history, English, foreign languages, art, or music, or to improving vocational skills.

(20 U.S.C. 4058)

[FR Doc. 86-12515 Filed 6-3-86; 8:45 am]

BILLING CODE 4000-01-M

Form Approved,
OMB No. 1810-0516
Form Expires 12/86

U.S. DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAGNET SCHOOLS ASSISTANCE PROGRAM

INSTRUCTIONS FOR APPLICATION FOR FEDERAL ASSISTANCE
(Nonconstruction Program)

This form shall be used to apply for Federal assistance for projects authorized by Title VII of the Education for Economic Security Act, as amended.

Submit the original and two copies of the application to:

U.S. Department of Education
Application Control Center
Attention: Magnet Schools
Assistance Program
Washington, D.C. 20202

No grant will be awarded unless a completed application has been filed.

(20 U.S.C. 4051-4062)

PART I

Federal Assistance Form

Part I consists of the standard face page for Federal financial assistance and the instructions for completing the standard face page.

The general instructions for completing this form begin on page F4 of this application package. Use those instructions except for the following items:

1. Preprinted.
6. Preprinted.
11. Preprinted.
19. Preprinted.

PART II

Project Approval Information

Answer only Item 10 on page F9.

Item 10. Show the Federal Domestic Assistance Catalog number, the type of assistance, the status and the amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Budget Information

Complete only Sections A, B, D, and F. Sections C and E are not applicable to the Magnet Schools Assistance Program.

Use the standard instructions to complete the forms. These instructions begin on page F5 of this application package.

To assist applicants and simplify completion of these forms, those spaces and portions of the forms which are not applicable have been shaded out.

PART IV

Program Narrative

Include information that addresses each of the selection criteria in section 280.31 of the Magnet schools Assistance Program Rules and Regulations.

These selection criteria cover the following subjects:

(a) Plan of operation;
(b) Quality of key personnel;
(c) Quality of project design;
(d) Budget and cost effectiveness;
(e) Evaluation plan; and
(f) Adequacy of resources.

PART V

Assurances

See pages F14 and F15.

PART VI

Other Information

1. Desegregation Plan:

Complete the Desegregation Plan Information Sheet on page F13.

2. Supplemental Data:

Complete the Supplemental Data Sheet on page F12 of the application package, as follows:

a. Recentness of implementation of the approval desegregation plan

Indicate the date of implementation of the desegregation plan or modification, and provide the appropriate supporting information (which may include reference to the desegregation plan attached to the application).

b. Involvement of minority group children

Complete both data items.

For the first data item, provide the total number of minority group children in the applicant's schools.

For the second data item, provide the number of minority group children involved in the applicant's approved desegregation plan.

c. Need for assistance

Complete either of the two data items, or both items.

An applicant that submits a narrative description of "Need for assistance" should limit that narrative to no more than two pages.

If an applicant completes both data items, the data item that receives the higher score will be used to award the points for the special consideration described in section 280.32(d).

d. Degree of achievement

In addition to the Supplemental Data Sheet, provide a narrative of not more than one page addressing the special consideration for "Degree of achievement" described in section 280.32(e) of the Magnet Schools Assistance Program Rules and Regulations.

GENERAL INSTRUCTIONS FOR THE SF-424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted in accordance with OMB Circular A-102. It will be used by Federal agencies to obtain applicant certification that states which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process have been given an opportunity to review the applicant's submission.

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I with the exception of Box 3, "State Application Identifier." If an item is not applicable, write "NA." If additional space is needed, insert an asterisk "*," and use Section IV. An explanation follows for each item:

Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and Federal agency program instructions. Use of this form as a Notice of Intent is at State option. Federal agencies do not require Notices of Intent.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared (at applicant's option).

3a. Number assigned by State.

3b. Date assigned by State.

4a–4h. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of the person who can provide further information about this request.

5. Employer Identification Number (EIN) of applicant as assigned by the Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance (CFDA) number assigned to program under which assistance is requested. If more than one program (e.g., joint funding), check "multiple" and explain in Section IV. If unknown, cite Public Law or U.S. Code.

6b. Program title from CFDA. Abbreviate if necessary.

7. Use Section IV to provide a summary description of the project. If appropriate, i.e., if project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

8. "City" includes town, township or other municipality.

9. List only largest unit or units affected, such as State, county, or city.

10. Estimated number of persons directly benefiting from project.

11. Check the type(s) of assistance requested.

   A. Basic Grant—an original request for Federal funds.

   B. Supplemental Grant—a request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   E. Other. Explain in Section IV.

12. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included. If the action is a change in dollar amount of an existing grant

Item

(a revision or augmentation under item 14), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 12a—amount requested from Federal Government. 12b—amount applicant will contribute. 12c—amount from State, if applicant is not a State. 12d—amount from local government, if applicant is not a local government. 12e—amount from any other sources, explain in Section IV.

13b. The district(s) where most of action work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

14. A. New. A submittal for project not previously funded.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project with a projected completion date.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Approximate date project expected to begin (usually associated with estimated date of availability of funding).

16. Estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (item 14e).

18. Date preapplication/application must be submitted to Federal agency in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise, write "NA."

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete either item 22a or 22b *and* items 23a and 23b.

22a. Complete if application is subject to Executive Order 12372 (State review and comment).

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

FEDERAL AGENCY PROCEDURES FOR SECTION III

Applicant completes only Sections I and II. Section III is completed by Federal agencies.

26. Use to identify award actions.

27. Use Section IV to amplify where appropriate.

28. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation under item 14), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 28a—amount awarded by Federal Government. 28b—amount applicant will contribute. 28c—amount from State, if applicant is not a State. 28d—amount from local government, if applicant is not a local government. 28e—amount from any other sources, explain in Section IV.

29. Date action was taken on this request.

30. Date funds will become available.

31. Name and telephone number of agency person who can provide more information regarding this assistance.

32. Date after which funds will no longer be available for obligation.

33. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.

INSTRUCTIONS

PART III

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary

Lines 1-4, Columns (a) and (b).

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to **multiple** programs where **none** of the programs **require** a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g).

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period **only** if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should **not** equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h - Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in Column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

INSTRUCTIONS

PART III
(continued)

Section C. Source of Non-Federal Resources

Lines 8-11 - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet. (See Attachment F, Office of Management and Budget Circular No. A-102.)

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Office of Management and Budget Circular No. A-102.)

Column (c) - Enter the State contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations required herein or any other comments deemed necessary.

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION *(Mark appropriate box)*	☐ NOTICE OF INTENT (OPTIONAL) ☐ PREAPPLICATION ☒ APPLICATION	2. APPLICANT'S APPLICATION IDENTIFIER	a. NUMBER b. DATE *Year month day* 19
		3. STATE APPLICATION IDENTIFIER *NOTE: TO BE ASSIGNED BY STATE*	a. NUMBER b. DATE ASSIGNED *Year month day* 19
		Leave Blank	

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name .
b. Organization Unit .
c. Street/P.O. Box .
d. City . e. County
f. State . g. ZIP Code.
h. Contact Person *(Name & Telephone No.)* .

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM *(From CFDA)*
a. NUMBER 84.165
MULTIPLE ☐
b. TITLE MAGNET SCHOOLS ASSISTANCE PROGRAM

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other *(Specify)*:
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT *(Names of cities, counties, states, etc.)*

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s) A

12. PROPOSED FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. Total	$ .00

13. CONGRESSIONAL DISTRICTS OF:
a. APPLICANT
b. PROJECT

15. PROJECT START DATE *Year month day* 19

16. PROJECT DURATION *Months*

18. DATE DUE TO FEDERAL AGENCY ► *Year month day* 19 86 11 07

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter ☐

17. TYPE OF CHANGE *(For 14c or 14e)*
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other *(Specify)*:
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST U.S. Department of Education

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

a. ORGANIZATIONAL UNIT (IF APPROPRIATE) Application Control Center

b. ADMINISTRATIVE CONTACT (IF KNOWN)

c. ADDRESS
U.S. Department of Education, Application Control Center, Washington, D.C. 20202

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT►
To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____

b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐
OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
a. TYPED NAME AND TITLE
b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED *Year month day* 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
☐ e. DEFERRED
☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

29. ACTION DATE► *Year month day* 19

30. STARTING DATE *Year month date* 19

31. CONTACT FOR ADDITIONAL INFORMATION *(Name and telephone number)*

32. ENDING DATE *Year month date* 19

33. REMARKS ADDED ☐ Yes ☐ No

SECTION IV–REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

PART II
PROJECT APPROVAL INFORMATION

ITEM 1.
Does this assistance request require State, local, regional, or other priority rating?

☐ Yes ☐ No

Name of Governing Body _____
Priority Rating _____

ITEM 2.
Does this assistance request require State, or local advisory, educational or health clearances?

☐ Yes ☐ No (Attach Documentation)

Name of Agency or Board _____

ITEM 3.
The application/preapplication was made available for review to the State process under Executive Order 12372

☐ Yes ☐ No

The application/preapplication was not made available for review to the State process under Executive Order 12372.

☐ Not Covered ☐ Not Selected

ITEM 4
Does this assistance request require State, local, regional, or other planning approval?

☐ Yes ☐ No

Name of Approving Agency _____
Date _____

ITEM 5
Is the proposed project covered by an approved comprehensive plan?

☐ Yes ☐ No

Check one:
☐ State
☐ Local
☐ Regional

Location of Plan _____

ITEM 6
Will the assistance requested serve a Federal installation?

☐ Yes ☐ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

ITEM 7
Will the assistance requested be on Federal land or installation?

☐ Yes ☐ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

ITEM 8
Will the assistance requested have an impact or effect on the environment?

☐ Yes ☐ No

See instructions for additional information to be provided.

ITEM 9
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

☐ Yes ☐ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

ITEM 10
Is there other related assistance on this project previous, pending, or anticipated?

☐ Yes ☐ No

See instructions for additional information to be provided.

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

GRANT PROGRAM, FUNCTION OR ACTIVITY (a)	FEDERAL CATALOG NO. (b)	ESTIMATED UNOBLIGATED FUNDS		NEW OR REVISED BUDGET		
		FEDERAL (c)	NON-FEDERAL (d)	FEDERAL (e)	NON-FEDERAL (f)	TOTAL (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6. OBJECT CLASS CATEGORIES	GRANT PROGRAM, FUNCTION OR ACTIVITY				TOTAL
	(1)	(2)	(3)	(4)	(5)
a. PERSONNEL	$	$	$	$	$
b. FRINGE BENEFITS					
c. TRAVEL					
d. EQUIPMENT					
e. SUPPLIES					
f. CONTRACTUAL					
g. CONSTRUCTION					
h. OTHER					
i. TOTAL DIRECT CHARGES					
j. INDIRECT CHARGES					
k. TOTALS	$	$	$	$	$
7. PROGRAM INCOME	$	$	$	$	$

F10

HEW-608T

SECTION C – NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D – FORECASTED CASH NEEDS

	TOTAL FOR 1ST YEAR	1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER
13. FEDERAL	$	$	$	$	$
14. NON-FEDERAL					
15. TOTALS	$	$	$	$	$

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (years)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F – OTHER BUDGET INFORMATION (attach additional sheets if necessary)

21. DIRECT CHARGES:

22. INDIRECT CHARGES:

23. REMARKS:

PART IV – PROGRAM NARRATIVE (attach per instructions)

MAGNET SCHOOLS ASSISTANCE PROGRAM

SUPPLEMENTAL DATA SHEET

a. Recentness of the implementation of the approved desegregation plan

The desegregation plan attached to this application--

☐ is being submitted for approval to the Office for Civil Rights as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group children or faculty of the applicant.

☐ is being implemented by the applicant. The implementation date of this desegregation plan or modification is _____. State how the implementation date was determined.

b. Involvement of minority group children

The total number of minority group children in the applicant's schools: _____

The number of minority group children involved in the applicant's approved plan: _____

Describe the method used to determine the number of minority group children involved in the approved plan.

c. Need for assistance

☐ The incremental expense of operating the approved desegregation plan (expressed as a percentage increase in the applicant's operating budget) is ____%, based on desegregation plan expenses in the amount of $_____ and an operating budget of $_____. Describe the basis on which the desegregation plan expenses were calculated or attach a summary of those expenses. Also describe the basis on which the operating budget was calculated or attach a summary of that budget.

☐ Narrative describing the difficulty of effectively carrying out such a plan and program or project for which assistance is sought is attached.

MAGNET SCHOOLS ASSISTANCE PROGRAM
DESEGREGATION PLAN INFORMATION

Check the box next to item "a" or "b", as appropriate, and attach the requested information.

☐ a. If the applicant has a desegregation plan that 1) includes the magnet school(s) for which it is requesting assistance; and 2) has been previously approved by the Secretary of Education, a court, or a State agency or official of competent jurisdiction, attach a copy of that desegregation plan.

NOTE: If the applicant is implementing a previously approved plan that does not include the magnet school(s) for which assistance is requested, the plan must be modified to include the new magnet school(s) component. The applicant must obtain approval of the new magnet school(s) component, or any other modification to its desegregation plan, from the court, agency, or official that originally approved the plan.

☐ b. If the applicant does not have an approved desegregation plan, attach the following information:

1) a copy of the plan that the applicant is submitting for approval; and

2) a copy of the school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement the plan upon the award of assistance under the Magnet Schools Assistance Program; and

3) evidence that the plan is a "desegregation" plan as defined in section 280.4(b). In the case of a plan for the reassignment of children or faculty to remedy illegal separation of minority group children or faculty in the schools of the applicant, an example of the type of evidence required is a letter of findings from the Office for Civil Rights. In the case of a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the applicant's schools, such evidence would include enrollment data for the schools involved in the plan that demonstrates the reduction, elimination, or prevention of minority group isolation which has been or would be achieved by the plan.

PART V
ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

5. It will comply with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

6. It will comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

7. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

8. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

9. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

10. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

11. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.

12. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

13. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

14. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on or after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

15. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 *et seq.*) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

GPO 910-091

MAGNET SCHOOLS ASSISTANCE PROGRAM ASSURANCES

In accordance with section 707(b) of the Education for Economic Security Act, the applicant hereby assures and certifies that it agrees--

(1) to use funds made available under the Magnet Schools Assistance Program for the purposes specified in section 703 of the Education for Economic Security Act;

(2) to employ teachers in the courses of instruction assisted under the Magnet Schools Assistance Program who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) that it will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of its employees or other personnel for whom it has any administrative responsibility;

(4) that it will not engage in discrimination based on race, religion, color, or national origin in the mandatory assignment of students to its schools or to courses of instruction within its schools except to carry out the approved plan; and

(5) that it will not engage in discrimination based upon race, religion, color, or national origin in designing or operating extracurricular activities for students.

* * * * * *

FOR THOSE APPLICANTS THAT HAVE PREVIOUSLY APPROVED DESEGREGATION PLANS ONLY.

The applicant hereby assures and certifies that it is implementing that desegregation plan as approved.

IMPORTANT NOTICE
TO PROSPECTIVE PARTICIPANTS
IN USDE CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (USDE) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, USDE must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that –

Failure to meet a deadline will mean that an application will be rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending $300.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No USDE employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, D.C. 20202

CONTRACTS

Competitive procurement actions undertaken by the USDE are governed by the Federal Procurement Regulations and implementing ED Procurement Regulations.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals.

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the Request for Proposals (RFP). Questions regarding the submission of offers should be addressed to the Contracting Officer identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No USDE employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for $81.00 per year via second class mail or $160.00 per year via first class mail. Information included in the Federal Procurement Regulations (FPR) and the Education Procurement Regulations (EDPR) are contained respectively in Title 41, Code of Federal Regulations, Chapter 1 ($7.00), Chapter 2 ($6.50) Chapters 3-6 ($7.00), Chapter 7 ($5.00), Chapter 8 ($4.75), Chapter 9 ($7.00), Chapters 10-17 ($6.50) and Title 41, Code of Federal Regulations, Chapter 34 in volume containing Chapters 19-100 ($7.00). The foregoing publications may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

In an effort to be certain this important information is widely disseminated, this notice is being included in all USDE mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 5348, 5/84 REPLACES ED FORM 5348, 3/82, WHICH IS OBSOLETE

*U.S. GOVERNMENT PRINTING OFFICE:1986-491-151:40222

POSTCARD

Grant Application Receipt Acknowledgement

This postcard is provided to expedite the notification of receipt of your grant application in the U.S. Department of Education's Application Control Center. Self-address the return portion of this postcard and enter any identification information that would be helpful to your institution in identifying this grant application. The postcard will be returned to you with the control number that has been assigned by the Department of Education.

If you fail to receive the notification of application receipt within fifteen (15) days from the date you mailed the application, call:

U.S. Department of Education
Application Control Center
(202) 732-2495

CUT ALONG BROKEN LINE

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF EDUCATION
ED 396

U.S. DEPARTMENT OF EDUCATION
APPLICATION CONTROL CENTER
WASHINGTON, D.C. 20202
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

U.S. DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF EDUCATION
ED 395

FIRST CLASS MAIL

DATED MATERIAL – OPEN IMMEDIATELY

U.S. Department of Education
Application Control Center
Washington, D.C. 20202

This will acknowledge receipt of your grant application submitted under Federal program number **84.165, Magnet Schools Assistance Program.**

Please reference the number stamped below in all further correspondence regarding this application.

_____

Project Title (*to be completed by applicant*)

_____

Project Director or Contact Person
(*to be completed by applicant*)

_____

ED Form 5354, 7/80